

Appln No. 10/660,452
Amdt date November 7, 2008
Reply to Office action of June 2, 2008

REMARKS

This amendment is submitted with a Request for Continued Examination and following the interview conducted between Examiner Willse and the undersigned on October 20, 2008.

Claims 7 and 15 have been amended. Claims 30-32 have been added. Accordingly, claims 7-8, 14-16, 19-20, and 28-32 are presently in the application.

Applicant notes that due to overlapping subject matter, the present application is related to commonly owned U.S. Application Serial No. 10/660,453. The Bertagnoli reference was recently cited in the '453 application. The Bertagnoli reference is not applicable to the present application because the claims of the present application recite "an annular intermediate elastic body between and separating the upper and lower bodies to provide cushioning for the prosthesis; wherein the intermediate elastic body is configured to extend primarily in a plane generally perpendicular to the vertebral column."

INTERVIEW SUMMARY

On October 20, 2008, a telephonic interview was conducted between Examiner Willse and Mark Garscia. During the interview, claim 7 was discussed as well as the Bertagnoli (U.S. 5,480,442) reference.

The applicant proposed deleting "biconvex" (claim 7, line 6; claim 15, line 6) and replacing "convex" with --curved-- at all occurrences in claims 7 and 15. Because such changes would alter the scope of the claims, the examiner recommended that the applicant submit a Request for Continued Examination (as provided for in MPEP 706.07(h)). The undersigned wishes to thank Examiner Willse for the time and attention devoted to the interview.

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In view of the above, applicant believes claims 7, 8, 14-16, 19, 20 and 28-32 are in condition for allowance.

Respectfully submitted,
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